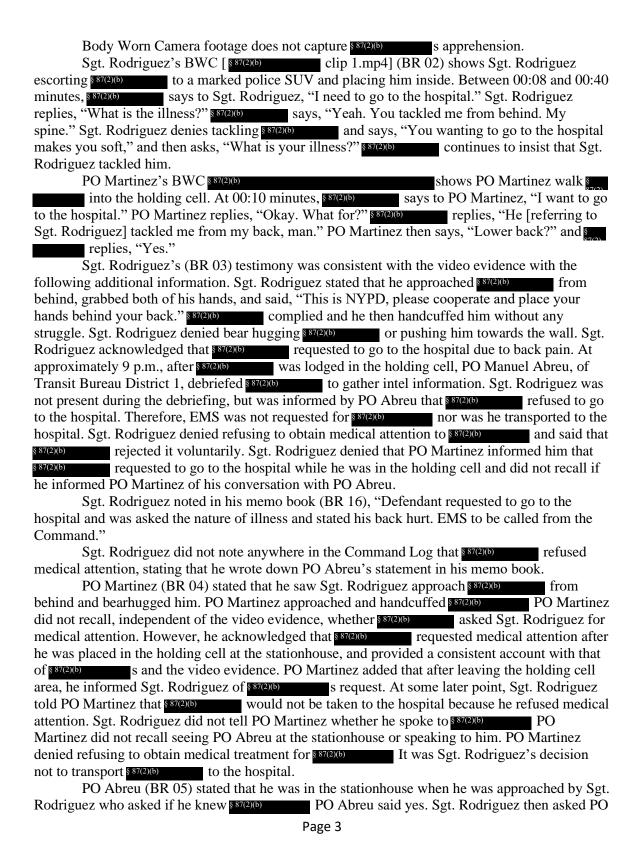
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:		Force	$\overline{}$	Discourt.	$\overline{}$	U.S.
				1		_		_	
Olga Bentin		Squad #4	201808018		Abuse		O.L.	Ц	Injury
Incident Date(s)		Location of Incident:		Pr	ecinct:	18 Mo. SOL		EO SOL	
Saturday, 09/22/2018 6:44 PM		49th Street Subway Station; Transit Bureau District 1 stationhouse			18	3.	/22/2020	11	/6/2020
Date/Time CV Reported		CV Reported At:	How CV Reporte	d: 1	Date/Time	e Rec	eived at CCI	RB	
Thu, 09/27/2018 10:25 AM		CCRB Phone		ŗ	Thu, 09/27/2018 10:25 AM				
Complainant/Victim	Туре	Home Add	ress	•					
Subject Officer(s)	Shield	TaxID	Command						
1. SGT Luis Rodriguez	02107	926441	TB DT01						
2. POM Grant Okolie	14431	956988	TB DT01						
Witness Officer(s)	Shield N	No Tax No	Cmd Name						
1. POM Wilfred Martinez	00988	924703	TB DT01						
2. POM Kyle Ting	03691	961372	TB DT01						
3. POM Md Samsuddin	15872	952204	TB DT01						
4. POM Manuel Abreu	11068	956364	TB DT01						
Officer(s)	Allegati	on			Inve	estiga	ator Recon	nmer	dation
A.SGT Luis Rodriguez		Force: At the 49th Street Subway Station in Manhattan, Sergeant Luis Rodriguez used physical force against \$87(2)(b)							
B.SGT Luis Rodriguez		Abuse: Sergeant Luis Rodriguez failed to secure medical treatment for § 87(2)(b)							
C.POM Grant Okolie	Abuse: At the Transit Bureau District 1 stationhouse, Police Officer Grant Okolie refused to provide his name to \$\frac{\stationhouse}{\stationhouse}\$.								

Case Summary

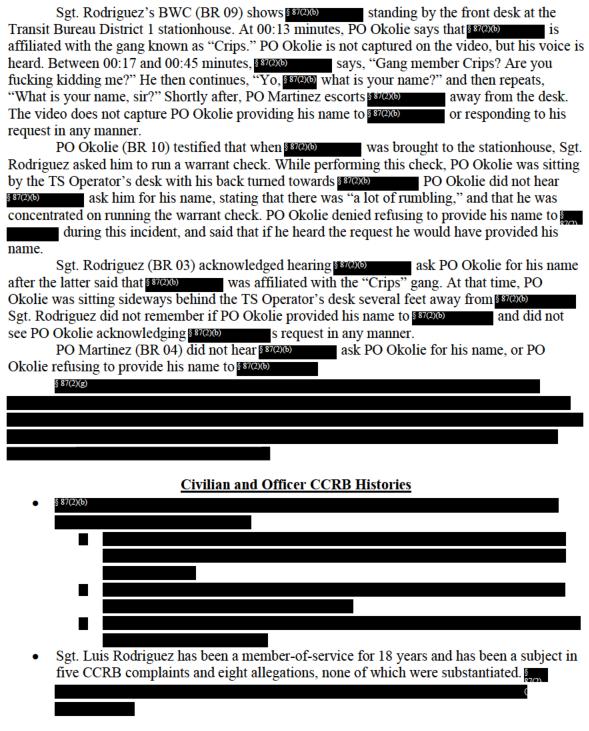
On September 27, 2018, \$87(2)(b) was contacted by the CCRB regarding case
#201807459, when he filed this complaint.
On September 22, 2018, at approximately 6:45 p.m., \$87(2)(b) was arrested by Sgt.
Luis Rodriguez and PO Wilfred Martinez, of Transit Bureau District 1, inside of the 49th Street
subway station in Manhattan for criminal tampering in the first degree, unauthorized sale of a
farecard, and loitering (BR 14). Sgt. Rodriguez approached \$87(2)(b) wrapped his arms
around his chest, and handcuffed him (Allegation A: Force, \$87(2)(g) told Sgt.
Rodriguez that he wished to go to the hospital (Allegation B: Abuse of Authority,
. While being processed at the Transit Bureau District 1 stationhouse,
asked PO Grant Okolie for his name and PO Okolie allegedly did not provide it
(Allegation C: Abuse of Authority, \$87(2)(g)
The investigation was provided with four BWC recordings of this incident. Full BWC
recordings are located in and can be viewed from the Investigative Actions #21-24. The relevant
video clips are embedded and discussed in greater details below.
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Findings and Recommendations
Allegation (A) Force: At the 49th Street Subway Station in Manhattan, Sergeant Luis
Rodriguez used physical force against \$87(2)(b)
Allegation (B) Abuse of Authority: Sergeant Luis Rodriguez failed to secure medical
treatment for § 87(2)(b)
It is undisputed that Sgt. Rodriguez made physical contact with §87(2)(b) to place
him in handcuffs. It is also undisputed that \$87(2)(6) told Sgt. Rodriguez and PO Martinez at
various instances during this incident that he was in pain and wished to go to the hospital, and
that medical treatment was never provided to him.
(BR 01) stated that he entered the southbound N, Q, R line 49 th Street
subway station. § 87(2)(b) retrieved a wallet from his pants pocket and counted his money
when Sgt. Rodriguez "tackled" him. \$87(2)(b) described the "tackle" as Sgt. Rodriguez
wrapping his arms around \$87(2)(b) s chest area, bear hugging him, and then pushing
towards a wall. § 87(2)(b) extended his arms to brace himself, and only his hands
made contact with the wall. Sgt. Rodriguez told \$87(2)(b) several times, "Put your hands
behind your back." § \$7(2)(6) was confused, because he could not see who grabbed him and
Sgt. Rodriguez had not identified himself as an officer. § 87(2)(b) asked Sgt. Rodriguez what
was going on. Sgt. Rodriguez then said that he was the police, asked \$87(2)(6) to put his
hands behind his back, and told him several times to stop resisting. §87(2)(b) admitted that he
tensed his arms up because he was upset, but denied resisting in any other way. \$87(2)(6)
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*
stationhouse, he complained to Sgt. Rodriguez of back pain and requested to be taken to the
hospital. §87(2)(b) later stated that he only asked PO Martinez for medical attention in the
holding cell at the stationhouse. 887(2)(b) was transported to Manhattan Central Booking and
was then released. §87(2)(6) did not receive medical treatment.
\$ \$7(2)(b)
§ 87(2)(b)
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Abreu to speak to \$\frac{\text{\$87(2)(b)}}{\text{\$87(2)(b)}}\$ because he refused to be fingerprinted. PO Abreu agreed. When PO Abreu entered the holding cell area, \$\frac{\text{\$87(2)(b)}}{\text{\$87(2)(b)}}\$ recognized him and greeted him with a smile. PO Abreu asked \$\frac{\text{\$87(2)(b)}}{\text{\$87(2)(b)}}\$ why he was refusing to be fingerprinted. \$\frac{\text{\$87(2)(b)}}{\text{\$87(2)(b)}}\$ told PO Abreu that he wanted to delay the arrest process for as long as possible to get Sgt. Rodriguez and PO Martinez in trouble. PO Abreu told \$\frac{\text{\$87(2)(b)}}{\text{\$87(2)(b)}}\$ that he was just delaying himself. \$\frac{\text{\$87(2)(b)}}{\text{\$87(2)(b)}}\$ agreed, said that he was hungry, and then added, "You know what, I am ready to be fingerprinted. I am done." PO Abreu denied that \$\frac{\text{\$87(2)(b)}}{\text{\$87(2)(b)}}\$ complained to him of any pain or injuries, requested medical attention, or stated that he did not wish to go to the hospital. However, PO Abreu noted that at some point during their conversation, \$\frac{\text{\$87(2)(b)}}{\text{\$87(2)(b)}}\$ complained that Sgt. Rodriguez pushed him during the initial apprehension, but did not elaborate further. After leaving the holding cell area, PO Abreu saw PO Martinez by the Desk Officer's desk and told him that \$\frac{\text{\$87(2)(b)}}{\text{\$87(2)(b)}}\$ was ready to be fingerprinted. PO Abreu then walked by Sgt. Rodriguez's office and also told him that \$\frac{\text{\$87(2)(b)}}{\text{\$87(2)(b)}}\$ was ready to be fingerprinted. PO Abreu did not remember if he said anything else to Sgt. Rodriguez, but denied telling him that
refused medical attention.
The Command Log (BR 08) lists \$87(2)(6) s physical condition as "A/N," which
stands for apparently normal. The request for Medical Treatment of Prisoner Form for \$87(2)(6) returned negative
results (BR 07).
Patrol Guide Procedure 221-01 states that an officer must apply no more than the reasonable force necessary to gain compliance from an uncooperative subject (BR 17). Patrol Guide Procedure 210-04 (BR 06) states that an officer must provide medical
attention to a sick or injured prisoner by requesting an ambulance or transporting him to the
hospital, if necessary.
§ 87(2)(g)
It is undisputed that \$87(2)(b) complained of back pain and asked Sgt. Rodriguez and PO Martinez for medical attention. PO Martinez acknowledged \$87(2)(b) s request and stated
that Sgt. Rodriguez ultimately decided not to remove \$87(2)(b) to the hospital. Sgt. Rodriguez
also acknowledged \$87(2)(6) s request and even noted in his memo book that he was going to
call for EMS from the Command. Sgt. Rodriguez explained that his decision not to take to the hospital or call for EMS was based on PO Abreu telling him that \$87(2)(6)
refused medical attention, which was not corroborated by PO Abreu's account. § 87(2)(g)
Allegation (C) Abuse of Authority: At the Transit Bureau District 1 stationhouse, Police
Officer Grant Okolie refused to provide his name to \$87(2)(6) did not allege asking PO Okolie for his name. This allegation was captured on Sgt. Rodriguez's BWC. It is undisputed that \$87(2)(6) asked PO Okolie for his name,
however, it is disputed whether PO Okolie refused to provide it to \$87(2)(6)

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		per-of-service for four years and has be gation that was closed as complainant	
	is not suitable for mediat	Civil and Criminal Histories tion due to \$37(2)(a) s arrest. re of Claim has been filed regarding the	is incident (BR
Squad No.:	<u>4</u>		
Investigator:	Signature	Print Title & Name	Date
Squad Leader:	Signature	Print Title & Name	Date
Reviewer:	Signature	Print Title & Name	Date

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